

Chapter 27.07

AG AGRICULTURE DISTRICT

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(This district is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.)

27.07.010 Scope of Regulations.

The regulations set forth in this chapter, or elsewhere in this title when referred to in this chapter, are the district regulations in the AG agriculture district. (Ord. 12571 §7; May 8, 1979).

27.07.020 Permitted Uses.

A building or premises shall be permitted to be used for the following purposes in the AG agriculture district:

- (a) Agriculture, except confined feeding facilities for livestock or poultry;
- (b) Confined feeding facilities for livestock or poultry, of a maximum area of 15,000 square feet;
- (c) Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;
- (d) Dog-breeding establishments and kennels;
- (e) Stables and riding academies;
- (f) Public uses: including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school; and public utilities and utility distribution systems;
- (g) Single-family dwellings;
- (h) Churches. (Ord. 17649 §1; April 17, 2000: prior Ord. 12571 §78; May 8, 1979).

27.07.030 Permitted Conditional Uses.

A building or premises may be used for the following purpose in the AG agriculture district in conformance with the conditions prescribed herein:

- (a) Cemeteries, including mausoleums:

(1) Mausoleums shall be located at least 200 feet from every street and adjoining property line;

(2) Any cemetery established after the effective date of this title shall contain an area of twenty acres or more.

(b) Pet cemeteries: Minimum area shall be five acres;

(c) Roadside stands for the temporary or seasonal sale of produce shall be permitted on any premises in addition to any other main use, regardless of lot size for specified use:

(1) Such roadside stands shall be permitted in a required yard; however, no roadside stand shall be permitted in a right of way, nor closer than thirty feet to the edge of a traveled roadway;

(2) Such roadside stand shall not be operated for more than 180 days in any one year.

(d) Group homes:

(1) Group homes shall comply with all sign, height, and area regulations of the district, and all provisions of the minimum standard housing ordinance. Parking shall be regulated in conformance with the provisions of Chapter 27.67;

(2) The distance between the proposed use and any existing group home measured from lot line to lot line is not less than one-half mile;

(3) Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.

(e) Wind energy conversion systems, provided they meet the following conditions:

(1) The distance from all lot lines to any tower support base of the WECS shall be determined according to the following WECS setback table.

Intermediate rotor size distances shall be interpolated. The City Council may grant a reduction in the specific setback table distance when it finds that such reduction shall not adversely affect surrounding property and is consistent with the intent of this title to promote the public health, safety, and general welfare.

WECS SETBACK TABLE

Rotor Diameter in Feet	Setback Distance
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

(2) The distance from any tower support base of a WECS to any tower support base of another WECS under other ownership shall be a minimum of five rotor distances figured by the size of the

largest rotor. The City Council may grant a reduction in this requirement if it finds that such reduction does not adversely affect the operation of either WECS.

(3) The WECS operation shall not cause interference to the radio and television reception on adjoining property.

(4) To limit climbing access to the WECS tower, a fence six feet high with a locking portal shall be placed around the WECS tower base or the tower climbing apparatus shall be limited to no lower than twelve feet from the ground, or the WECS tower may be mounted on a roof top.

(5) The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's then current service regulations applicable to WECS.

(f) Greenhouses:

(1) The minimum lot area shall be twenty acres; provided, however, that if a lot has less area, width, or frontage or any combination thereof than herein required, and its entire boundary was under different ownership on the effective date of this title and has not been since changed, such lot may be used for a greenhouse, provided that no such lot be less than two acres;

(2) One parking space shall be provided for each employee on the maximum shift.

(g) Early childhood care facilities in churches:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities must receive a conditional use permit from the Department of Building and Safety.

(h) Early childhood care facilities with a maximum of fifteen children present at any time:

(1) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code and the design standards for early childhood care facilities;

(2) Such facilities shall comply with all applicable state and local early childhood care requirements;

(3) Such facilities shall comply with all applicable building and life safety code requirements;

(4) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities;

(5) Such facilities shall be used as the permanent residence of the licensed child care provider;

(6) Such facilities with thirteen or more children must receive a conditional use permit from the Department of Building and Safety;

(7) Early childhood care facilities located in mobile homes shall have a severe weather emergency action plan approved by the Health Department.

- (i) Domestic Shelter:
 - (1) Parking shall be in conformance with Chapter 27.67;
 - (2) The maximum number of residents occupying such a facility shall not exceed one person per 3,000 square feet of lot area;
 - (3) The distance between the proposed use of any existing domestic shelter measured from lot line to lot line shall not be less than one mile. (Ord. 17508 § 1; May 17, 1999: prior Ord. 17104 §1; December 2, 1996: Ord. 16854 §2; August 14, 1995: Ord. 15751 §1; October 15, 1990: Ord. 13982A §1; November 5, 1984: Ord. 13487 §1; November 1, 1982: Ord. 12571 §79; May 8, 1979).

27.07.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the AG Agriculture District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Private schools;
- (b) Recreational facilities;
- (c) Dwellings for members of religious orders;
- (d) Broadcast towers and stations;
- (e) Campgrounds;
- (f) Veterinary facilities;
- (g) Confined feeding facilities for livestock or poultry in excess of 15,000 square feet in area; in those parts of the AG Agriculture District designated "agricultural" on the future county land use map (Fig. 17) of the Lincoln-Lancaster County Comprehensive Plan (which for this purpose only is hereby incorporated herein by reference);
- (h) Mining or extraction of minerals from any portion of the district, and the storage and processing thereof;
- (i) Sale barns;
- (j) Garden centers;
- (k) Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
- (l) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum district height;
- (m) Expansion of nonconforming use;
- (n) Historic preservation;
- (o) Community unit plans shall be permitted in conformance with provisions of Chapter 27.65. Any community unit plan shall contain a minimum area of seventy-five acres;
- (p) Public utility purposes;
- (q) Private landing strips and appurtenances;
- (r) Limited landfills;
- (s) Race tracks for motorized vehicles;
- (t) Temporary storage of construction equipment and materials;
- (u) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.07.030.;
- (v) Clubs;
- (w) Dwelling units for domestic employees in accessory buildings;

Minimum Lot Area. In all interior sections of a township, the minimum area for a buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.

In all closing sections (any section of land bordering on the north or west line of a township) except those which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be as follows:

(1) For those lots located within a Government Lot (a lot created by the original government survey and recorded in the surveyor's records of Lancaster County), the minimum required area shall be one-half of the total acreage contained in said Government Lot;

(2) For those lots which are not located within a Government Lot, the minimum required area shall be one-half of the total acreage contained in that quadrant of the quarter section in which said lot is located.

In those closing sections which lie along the west line of Range 8 East, the minimum area for a buildable lot shall be twenty acres, provided, however that the Board of Zoning Appeals, in conformance with the terms of Chapter 27.75, may hear and decide upon petitions to vary strict application of this requirement. For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.

(b) There shall be a required front yard on each street side of a double-frontage lot;

(c) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on the effective date of this title need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(d) Where a lot or tract of land on the effective date of this title has less width than required under subsection (a) of this section, the required side yard may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than fifteen feet.

(e) Where a lot or tract of land with an area of less than two acres on the effective date of this title has an average depth of not more than 300 feet, there shall be a required rear yard having a depth of not less than fifty feet or twenty percent of the depth of the lot, whichever is smaller.

(f) (1) If a lot has less area, width, or frontage or any combination thereof, than herein required, and its entire boundary was under different ownership on the effective date of this title and has not since been changed, such lot may be used in the following manner:

- (i) If the area of the lot is ten acres or more, such lot may be used for:
 - a. Agriculture, except commercial feedlots;
 - b. Breeding, raising, management, and sale of fur-bearing animals and the produce thereof;
 - c. Dog-breeding establishment and kennel;
 - d. Stables and riding academies;
 - e. Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;
 - f. A single-family dwelling;
 - g. Churches.

- (ii) If the area of the lot is less than ten acres, such lot may be used for:
 - a. Agriculture, except commercial feedlots;
 - b. Public use including, but not limited to, public parks, playgrounds, golf courses and recreational uses, fire stations, public elementary and high schools or private schools having a curriculum equivalent to a public elementary or public high school, and public utilities and utility distribution systems;
 - c. A single-family dwelling;
 - d. Churches.

(iii) A lot which otherwise qualified under (i) above, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted in (i) above if the remaining area of such lot is nine or more acres.

(2) If two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling; provided, that each such lot shall contain a minimum area of two acres and shall have an average lot width of 150 feet. Abutting lots in common ownership may be combined to meet these requirements.

If a lot has less width or depth than herein required, the required side and rear yard may be adjusted as provided in (d) and (e) above.

(g) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located: (1) in the required rear yard, but such accessory buildings shall not be nearer than two feet to the side or rear lot line; and (2) not nearer than a distance equal to ten percent of the average lot width from the side lot line. Such accessory buildings located in the required rear yard or required side yard shall not occupy more than thirty percent of the required rear yard.

(h) A lot or parcel of land of one acre or more may be used for a single-family dwelling, provided that a residential structure:

- (1) has existed on such land for more than five years;
- (2) such structure is, or has been, used as the primary residence associated with a farm; and
- (3) such lot or parcel of land and structure shall be in conformance with the following maximum height and minimum lot requirements:
 - (i) General requirements:

[See Table 27.07.080(h)(3)(i) on following page]

Table 27.07.080(h)(3)(i)

	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	1 acre	150'	120'	50'*	15'	Lesser of 50' or 20% of depth	30'

* The sum of (1) the distance from the centerline of abutting road to the property line, plus (2) the required front yard need not exceed 80'. The required front yard may be reduced, where necessary, to reach this total.

(ii) There shall be a required front yard on each street side of a double-frontage lot;

(iii) There shall be a required front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record on November 2, 1953, need not be reduced below thirty-five feet except where necessary to provide a required side yard of not less than five feet in place of one of the required front yards.

(iv) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the front, side, and rear yard requirements of the main building. Accessory buildings not a part of the main structure may be located in the required rear yard, but such accessory building may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to the side or rear lot line. However, if the lot or parcel of land and structure does not meet the requirements of item (i) above, it shall be considered a non-standard use.

(4) Such structure is in conformance with the other provisions of this title, the minimum housing code, and the minimum standards for water and sewage facilities.

(i) A lot or parcel of land of one acre or more may be used for public utility and distribution system purposes; provided, that such lot or parcel of land and any structures located thereon meet the maximum height and minimum lot requirements set forth in (h)(3) above; and provided, further, that such lot or parcel shall not be used, by itself, for any other purpose except agriculture. (Ord. 17649 §2; April 17, 2000: prior Ord. 17603 §1; February 7, 2000: Ord. 15752 §1; October 15, 1990: Ord. 14279 §1; December 2, 1985: Ord. 14077 §1; April 8, 1985: Ord. 13441 §1; September 7, 1982: Ord. 13358 §1; April 26, 1982: Ord. 13242 §1; November 2, 1981: Ord. 12967 §1; August 11, 1980: Ord. 12571 §83; May 8, 1979).